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Guam

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 8 December 2017. In paragraph 16 of its resolution 72/102, the General Assembly requested the Secretary-General to report on the environmental impact of the military activities of the administering Power in the Territory. In a letter dated 15 December 2017, the Secretariat brought the resolution to the attention of the administering Power and requested its input on the subject for inclusion in the present working paper. The information transmitted by the administering Power in that regard on 5 February 2018 is reflected herein (see paras. 13, 32, 33 and 47). Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Guam is a Non-Self-Governing Territory administered by the United States of America. As an unincorporated organized territory of the United States, it is administered by the Office of Insular Affairs of the United States Department of the Interior.

Geography: Guam is the southernmost and largest of the Mariana Islands in the Pacific Ocean, situated about 2,200 km south of Tokyo and 6,000 km west-south-west of Hawaii. It consists of a single island comprising two distinct geologic areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbor is one of the largest deep-water ports in the Pacific.

Land area: 540 km^2

Exclusive economic zone: 214,059 km^2

Population: 163,873 (2017 estimate)

Life expectancy at birth: 79.4 years (women: 82.1 years; men: 77.0 years (2010 estimates))

Languages: English and Chamorro

Ethnic composition (2010 census): 37.3 per cent Chamorro; 26.3 per cent Filipino; 12.0 per cent other Pacific islanders; 7.1 per cent white; 5.9 per cent Asian; 2.0 per cent other ethnic origin; and 9.4 per cent mixed

Capital: Hagåtña

Head of the territorial Government: Eddie Baza Calvo (re-elected Governor in November 2014)

Territory's delegate to the United States Congress: Madeleine Z. Bordallo (re-elected in 2016)

Main political parties: Democratic and Republican Parties

Elections: Most recent: 2016; next: September 2018

Legislature: Unicameral 15-member legislature

Gross domestic product per capita: $31,961 (2009 chained dollars; 2016 estimate)

Economy: Principal sources of revenue: tourism and the United States military

Unemployment: 5.4 per cent (September 2016)

Monetary unit: United States dollar

Brief history: Guam was inhabited by the indigenous Chamorro people of Malayo-Polynesian descent when missionaries from Spain arrived in the late seventeenth century. The Chamorro now constitute just over one third of the population and play an active role in the political and social life of the island.

I. Constitutional, legal and political issues

1. Guam was administered by the Department of the Navy of the United States of America from 1899 to 1950, when the United States Congress enacted the Organic Act of Guam, which established institutions of local government. Since then, the relations of the territory with the federal Government, in all matters that are not the programme responsibility of another federal department or agency, have been under the general administrative supervision of the United States Secretary of the Interior. Guam is an unincorporated territory, since not all provisions of the Constitution of the United States apply to the island. The Organic Act of Guam contains a bill of rights. According to information received from the administering Power, under the United States Constitution only individual states, not territories, of the United States select electors for the President and Vice-President of the United States. Persons born in Guam are, however, citizens of the United States, and may, upon establishing residency in one of the 50 states of the United States, vote for electors of the President and Vice-President of the United States.

2. The people of Guam elect a governor, who serves a four-year term. A person who has been elected Governor for two successive full terms is not eligible to hold that office again until one full term has elapsed. The Governor, who is responsible for the general supervision and control of the executive branch, may issue executive orders and regulations, recommend bills to the legislature, make his or her views known to that body and veto legislation. In the elections held in November 2014, Eddie Baza Calvo (Republican) was re-elected as Governor.

3. The unicameral legislature of Guam comprises 15 senators, each elected for a two-year term. The legislature may override the Governor's veto. Under the supremacy clause of the United States Constitution, the laws of the United States take precedence in the case of a conflict with a law of a state or territory. In the legislative elections held in November 2016, the Democrats won nine seats and the Republicans six seats.

4. Since 1972, Guam has sent one delegate to the United States House of Representatives. The delegate, who serves a two-year term, may vote in committees but not on the floor. In the elections held in November 2016, Madeleine Z. Bordallo, a Democrat, was re-elected for her eighth term as the delegate to the United States Congress. She serves on two committees in the House of Representatives, namely, the Armed Services Committee and the Natural Resources Committee.

5. The judicial system in Guam comprises local and federal components. The local judicial system consists of a superior court and a supreme court, which are led by judges appointed by the Governor and confirmed by the legislature of Guam. Local judges are subject to confirmation by voters every six years. In 2004, the judiciary of Guam was established as an independent branch of government. The law confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary. Guam has an elected Attorney General. At the federal level, a district court judge, appointed by the President of the United States and confirmed by the United States Senate, is the head of the District Court of Guam.

6. Periodically, there have been efforts to change the island's political status, as detailed in previous working papers. In 1997, Guam Public Law 23-147 established the Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination in order to address an important but controversial issue involving

the Chamorro population. The Commission, in parallel with a process of registering eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote regarding the status preferences of the Chamorro people (independence, integration or free association), in accordance with international standards.

7. In 2000, the legislature of Guam provided the Guam Election Commission with the power to set the date for the decolonization plebiscite, in which it was expected that the Territory's indigenous people would be asked to choose between statehood, independence and free association with the United States. The plebiscite would have been non-binding, but at the same time it would have set the course for any future discussions of political status with the administering Power. The vote, which was originally scheduled for 2 November 2004, was postponed because eligible voters had not been identified and registered; Guam law calls for a plebiscite to be held once 70 per cent of eligible native inhabitants are registered. Universal suffrage with regard to general elections applies to United States citizens who are 18 years of age or older and are legal residents of Guam. All persons born in Guam and subject to the jurisdiction of the United States are citizens of the United States. However, according to the administering Power, the Guam Election Commission has described eligible plebiscitary voters more narrowly to include only those who can trace their roots back to residents who were living on the island at the time of the passage of the Organic Act, in 1950. The constitutionality of the law in question was challenged in the United States District Court for the District of Guam in *Davis v. Guam*, a class action lawsuit in which it was argued that the race-exclusive plebiscite was unconstitutional and in violation of federal law. The case was originally dismissed on the grounds that the plaintiff lacked standing and his claims were unripe, but the court of appeals reversed that decision, allowing the case to go forward. Both parties filed motions for summary judgment on remand. The District Court concluded that the plebiscite law violated the Fifteenth Amendment to the United States Constitution because the voting law impermissibly relied on ancestry as a proxy for race, and that the law also violated the equal protection clause of the Fourteenth Amendment because its racial classification did not survive strict scrutiny. On 28 November 2017, the United States filed an amicus curiae brief arguing that the United States Court of Appeals for the Ninth Circuit should affirm the District Court's decision.

8. The Guam Election Commission announced that there were 46,935 registered voters as at 29 December 2017. In *Davis v. Guam*, the District Court permanently enjoined Guam from continuing to enforce its plebiscite law in a way that precluded non-native inhabitants from registering and voting. In 2011, the Governor convened the Commission on Decolonization for the first time in about a decade. According to the administering Power, in August 2016 the Commission on Decolonization voted not to move forward with plans to hold a plebiscite in the general election of November 2016, citing the need for time to conduct a fair and comprehensive education campaign.

9. According to the administering Power, in his 2016 State of the Island address, Governor Calvo announced the submission of a draft measure to petition for a referendum on a political status plebiscite in 2016. Although the Commission on Decolonization halted plans for a plebiscite in 2016, it still intends to conduct a comprehensive education campaign in preparation for a planned plebiscite in 2018, with the assistance of a $300,000 grant awarded by the Office of Insular Affairs of the United States Department of the Interior in March 2016. The Commission now has three task forces dedicated to education and outreach on each of the political status options slated for the ballot: statehood, independence and free association.

10. During the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Kingstown from 16 to 18 May 2017, the representative of the Government of Guam expressed concerns regarding the financial and political challenges faced by the Territory. The representative reported on the ruling by the federal court in March 2017 that a self-determination plebiscite on Guam could not be limited to native inhabitants and was therefore unconstitutional, which had brought to a halt the project of holding a plebiscite on self-determination. In the meantime, the Commission on Decolonization continued to move forward with its education campaign, holding forums and monthly meetings and planning the production of an informative television series, as well as a monthly newsletter.

II. Military and related issues

11. As previously reported, the United States decided in 2009 that the capabilities of the United States Marine Corps in the Pacific region would be realigned by 2014 through the transfer of United States military personnel from Okinawa, Japan, to Guam. The plan, which called for 9,000 marines and their family members to be relocated, was, however, modified on 26 April 2012, when it was specified in a joint United States-Japan statement that only 5,000 marines would move to Guam when appropriate facilities were available to receive them. The move would cost $8.6 billion, with Japan contributing $3.1 billion (see A/AC.109/2014/14).

12. On 30 January 2015, the Office of the Inspector General of the United States Department of Defense published the annual report of the Interagency Coordination Group of Inspectors General for Guam Realignment. In the report, the Group provided an update on the progress and efforts made in the realignment of forces, covering the period from 1 October 2013 to 30 September 2014.

13. On 29 August 2015, the United States Department of the Navy released the record of decision for relocating forces to Guam, following the issuance on 18 July 2015 of the final supplemental environmental impact statement for Guam. The record of decision is specific to the relocation of marines and dependants and comprises the decision to construct and operate a main base (cantonment area), a family housing area, a live-fire training range complex and associated infrastructure on Guam to support the relocation of a substantially reduced number of marines and dependants. According to the administering Power, in addition to the record of decision, the United States Fish and Wildlife Service also issued biological opinions in 2015 and 2017 that outlined the conservation measures required to minimize the negative effects of the military realignment and related construction and training.

III. Land issues

14. The question of land use and ownership encompasses two major issues: the return of unused or underutilized land held by the United States Department of Defense and the return of that land to the original Chamorro landowners. Of the 147,000 acres of land available on Guam, the Department currently possesses 40,000 acres, or 27.21 per cent of the island's land mass. Under Guam law, private landowners in the Territory have the right to refuse to sell any of their land for military purposes. With regard to public land, such requests would be subject to the approval of the legislature of Guam.

15. In March 2011, a programmatic agreement was signed between the United States Department of Defense, the Advisory Council on Historic Preservation and the State Historic Preservation Officer of Guam to preserve cultural and historical properties on the island during the build-up in preparation for the transfer of marines, their dependants and support staff as early as 2016. In the programmatic agreement, projects included the construction of a cultural repository, a public health laboratory and further upgrades to the island's water and wastewater systems. In November 2017, the United States Department of Defense Office of Economic Adjustment awarded the Government of Guam two grants totalling $129.9 million for civilian infrastructure projects relating to the relocation of marines to Guam. The Office of the Governor was awarded $12 million for the final planning and design, programme and construction management services and the construction of a Guam cultural repository. The other grant, in the amount of $117.9 million, was awarded for upgrades to wastewater treatment facilities (see para. 27).

IV. Budget

16. The budget comprises revenues received by the Government of Guam and federal grants, with the latter generally allocated, on an ad hoc basis, to particular sectors through the Department of the Interior. The territorial Government's operating revenues fall under four classifications: (a) General Fund, (b) Special Funds, (c) Federal Grant-in-Aid and (d) Semi-Autonomous and Autonomous Agencies Operating Funds. According to federal law, all island residents, including military personnel, must pay income tax to the Guam General Fund and not to the federal Government. The Governor has the power to veto a budget bill; the legislature can then either override the Governor's veto by a special majority or reconsider the bill.

17. On 19 September 2017, the budget act for the fiscal year ending 30 September 2018 was passed into law, as the Governor's veto of the bill had been overridden on 16 September 2017. Projected gross revenue for the General Fund was $849.7 million, and the total amount of General Fund revenue available for appropriation came to $688.56 million.

18. In its report of October 2017, entitled "Public debt outlook", the United States Government Accountability Office found that between the fiscal years 2005 and 2015, Guam's public debt had more than doubled, rising from almost $1 billion to $2.5 billion, with the ratio of debt to gross domestic product (GDP) coming to 44 per cent for the fiscal year 2015. Most of the Territory's debt was used to comply with federal requirements and court orders. Revenue grew during this period, and the net position fluctuated significantly, with a negative balance in the fiscal year 2015.

V. Economy

A. General

19. The economy of Guam continues to be based on two main pillars: tourism and the military. The Territory has been endeavouring to create an environment conducive to the development of other industries, such as financial services, telecommunications and transportation. Manufactured products include textiles, garments, cement and plastics. Re-exports constitute a high proportion of the Territory's exports, which include petroleum products, iron and steel scrap, automobiles and tobacco and cigars.

20. In September 2017, the United States Bureau of Economic Analysis released estimates of the GDP of Guam for 2016, together with GDP and compensation estimates by industry for 2015. Those estimates indicate that real GDP increased by 0.4 per cent in 2016, after increasing 0.5 per cent in 2015. The growth in the Territory's economy reflected increases in exports of services and consumer spending. Exports of services, which consist primarily of spending by tourists, grew for a third consecutive year, reflecting growth in visitor arrivals, in particular from the Republic of Korea. Those increases were partly offset by decreases in investment spending across the government and private sectors following the completion of major projects in 2015 and a decrease in defence-related construction contracts.

B. Tourism

21. According to a press release issued by the Guam Visitors Bureau, the fiscal year 2017 was the best year on record, with 1,559,395 visitor arrivals recorded, a 3.2 per cent increase from the previous year. The Tourism 2020 plan, developed in 2014 by the Guam Visitors Bureau in cooperation with government leaders, private stakeholders and members of the community, sets a road map to guide the Territory towards a shared vision for Guam's tourism industry.

C. Transport and communications

22. The Territory's road network is just under 1,000 miles long, with 420 miles classified as "non-public". Of the 550 miles of public roads, there are some 144 miles of primary and some secondary roads. To maintain the territorial highway system, the Government of Guam receives funding from the United States Department of Transportation and the Federal Highway Administration.

23. The Port Authority of Guam, which is a public corporation and an autonomous agency of the territorial Government, administers the commercial port facilities at Apra Harbor, which is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for the Federated States of Micronesia.

24. The 2030 Guam transportation plan has become an official component of the island's comprehensive development plan. The transportation plan, which is a long-term strategy designed to improve the Territory's transportation system, incorporates improvements to roadways and mass transportation, while accommodating pedestrians and cyclists. It also addresses other issues, such as the proposed military build-up.

25. In February 2016, the Department of Public Works of Guam developed the transportation improvement plan for the fiscal years 2016 to 2019, including a list of transportation projects to address safety issues and pavement and bridge conditions and to improve traffic operations, in consultation with the Federal Highway Administration and with input from the public.

D. Water system, sanitation and utilities

26. According to the 2013 report of the United States Government Accountability Office entitled "Further analysis needed to identify Guam's public infrastructure requirements and costs for the Department of Defense's realignment plan", the water and wastewater treatment systems of Guam have a number of deficiencies as a result

of natural disasters, poor maintenance and vandalism. Although the Guam Waterworks Authority has invested more than $158 million in improvements to its water and wastewater systems over the past 10 years, it continues to operate under an order issued by the District Court of Guam requiring various treatment and infrastructure improvements because of issues relating to compliance with the Safe Drinking Water Act and the Clean Water Act. The potable water system of Guam is currently non-compliant with the Safe Drinking Water Act. According to the Inspector General of the Department of Defense, the wastewater plants in Guam do not meet primary treatment standards and lack sufficient capacity owing to the poor condition of existing assets. The Government Accountability Office noted in its report that, in terms of supporting the current military presence in Guam, the Authority provided wastewater services to Andersen Air Force Base (including Northwest Field), the Naval Computer and Telecommunications Station Guam and the South Finegayan Navy housing area. According to representatives of the legislature of Guam and the Chair of the Consolidated Commission on Utilities, however, the Authority is operating near capacity and would be unable to meet any surge in demand relating to realignment without significant infrastructure improvements.

27. In November 2017, the United States Department of Defense awarded the Guam Waterworks Authority approximately $117.9 million in funding for the construction of upgrades to the Northern District Wastewater Treatment Plant, as authorized by the United States Congress in Section 2821 of the National Defense Authorization Act for the fiscal year 2016.

28. The Guam Power Authority provides all the electricity on the island for both the public and the Department of Defense. The Department of the Navy is the Authority's largest customer, accounting for 15.57 per cent of revenue in 2016. The electric power system of Guam has experienced reliability problems that have resulted in power outages, and the system is dependent on ageing generators approaching the end of their life expectancy. This situation was also recalled in a report of the Inspector General of the Department of the Interior in 2012, in which it was noted that Guam was susceptible to power blackouts and that about a quarter of the power generation units of the Authority had been installed before 1976. The conclusion was reached that, should the Authority have to replace its entire ageing infrastructure at once, it would require a large financial investment.

E. Renewable energy

29. In 2013, the United States Department of the Interior, in conjunction with the National Renewable Energy Laboratory, published the Guam Strategic Energy Plan, which established metrics for measuring progress towards the goal of a 20 per cent reduction in fossil fuel usage by the year 2020 and identified specific clean energy policies that could be implemented in Guam, along with education and outreach strategies. The Department of the Interior, in conjunction with the National Renewable Energy Laboratory, also published the Guam Energy Action Plan, which provided detailed implementation plans for specific strategies that could be implemented to help to achieve the 20 per cent fossil fuel reduction target by 2020.

30. In October 2015, the first solar power facility in Guam was completed and integrated into the existing grid, providing around 10 per cent of the grid with renewable energy. In March 2016, the Authority's first wind turbine generator, funded by the United States Department of the Interior, was officially unveiled. The pilot project has an expected production capacity of up to 275 kW for the existing power

grid, and data gathered will be used to assess the viability of additional wind power projects.

F. Agriculture and fisheries

31. The farming and fishing sectors are considered relatively well developed. The main types of produce are vegetables, citrus, tropical fruits and coconuts. The various divisions of the Guam Department of Agriculture deal with the animal and plant industry, agricultural development, forestry and soil resources and aquatic and wildlife resources. As stated in the 2011 comprehensive economic development strategy, the Agricultural Board of Commissioners reviews and makes recommendations regarding zoning, pest control, the preparation of an agricultural development plan, agricultural loans and related matters.

32. According to the administering Power, in 2009, the Western Pacific Regional Fishery Management Council recommended that the United States Department of Defense and the National Marine Fisheries Service investigate and address the impact of the continuing military build-up on local fishing communities and that a mitigation and compensation plan be developed to assist those affected, including in Guam. As part of the process of preparing the supplemental environmental impact statement for the military build-up, the United States Department of the Navy consulted the United States Fish and Wildlife Service and the National Marine Fisheries Service to analyse the potential impact of the proposed actions on essential and critical habitats. In 2015 and 2017, the United States Fish and Wildlife Service issued biological opinions outlining conservation measures that would avoid or minimize the effects of the project on listed species and their habitats or contribute to the recovery of listed species.

33. In addition, the administering Power indicated that, in compliance with the Endangered Species Act, the Department of the Navy received favourable biological opinions from the United States Fish and Wildlife Service in July 2015 and July 2017, as well as a letter of concurrence from the National Marine Fisheries Service in May 2015. Each of those documents included conservation and/or mitigation measures which the Department of the Navy has made a commitment to implement. The Department of the Navy, in compliance with the Magnuson-Stevens Fisheries Conservation Management Act, completed its consultation with the National Marine Fisheries Service in May 2015. The Service provided, for the Navy's consideration, seven conservation recommendations on supporting essential fish habitats. In May 2015, the Navy made a commitment to implement six of those recommendations as part of the military relocation to Guam.

VI. Social conditions

A. Labour

34. According to the report of the Guam Bureau of Labor Statistics of 31 March 2017, the unemployment rate in Guam was 5.4 per cent in September 2016, an increase of 0.9 per cent compared with September 2015, but a decrease of 2.2 per cent compared with September 2014. In September 2016, the total number of unemployed persons was 3,910, which represents a decrease of 1,480 compared with the September 2014 estimate. Preliminary statistics indicated that, as at September 2017, the total number of private sector jobs and total employment had declined by 330 and

420, respectively, compared with 2016. The decline in construction, private and total employment was primarily associated with the repatriation of workers under the H-2 visa programme. The number of workers under an H-2 visa declined by 956, from 1,042 in September 2016 to 86 in September 2017.

35. As at September 2017, approximately 24.8 per cent of employment was in the public sector, with the Government of Guam employing 11,620 persons and the federal Government employing 3,910 persons. In the private sector, a total of 47,190 jobs are distributed across the following sectors: agriculture; construction; manufacturing; transportation and public utilities; wholesale trade; retail trade; finance, insurance and real estate; and services. The largest private industries are services (18,000 employees), retail trade (12,520 employees) and construction (5,590 employees).

B. Education

36. Guam has an extensive public and private education system. The public education system includes the University of Guam and Guam Community College. The Guam Department of Education is responsible for over 30,000 students in 41 schools. Approximately 25 private schools, including 2 business colleges, 5 high schools and a number of elementary schools, are mostly affiliated with Roman Catholic and Protestant religious denominations. The Territory receives federal funding each year to support such programmes as special education, summer school, the school lunch programme and the Department of Education extended day after-school programme.

C. Health care

37. There are two civilian inpatient medical facilities that serve the public sector. The Guam Memorial Hospital Authority is a public hospital with a capacity of 162 acute-care beds and 30 long-term care beds. Guam Regional Medical City has 132 acute-care beds. The United States Naval Hospital primarily serves the military sector. There are three community public health centres, one located in the north, one in the south and one in central Guam. The Territory has some 271 doctors and 92 medical clinics.

38. In its 2013 report (see para. 26 above), the Government Accountability Office noted that the health system of Guam was undersized. Officials from the Guam Memorial Hospital Authority participating in the preparation of the supplemental environmental impact statement acknowledged that, by national hospital standards, Guam needed some 500 acute-care beds to fully meet the island's needs; the Authority, however, provided only 162 such beds. In addition to those infrastructure challenges, officials identified a number of problems related to staffing, including difficulty in recruiting and retaining an adequate number of health-care personnel. The United States Department of Health and Human Services has designated Guam as a medically underserved area, which means that it has too few primary care providers, a high rate of infant mortality, a high rate of poverty and/or a large population of older persons. Guam also qualifies as a health professional shortage area, which means that it experiences shortages of primary medical care or dental or mental health-care providers. Although military personnel and their dependants generally do not use local health facilities, the Government of Guam anticipates that

any Department of Defense civilian, any migrant and any construction worker associated with the realignment will be able to use the facilities.

39. According to the World Health Organization Country Cooperation Strategy for Guam 2013–2017, the prevalence of non-communicable diseases in Guam continues to rise. As part of the military build-up, a new military hospital was built to replace the previous facility, which was constructed in 1954. It officially opened on 21 April 2014, providing 42 beds, four operating rooms, two caesarean section rooms and improved diagnostic and ancillary capabilities, including magnetic resonance imaging and computed tomography scanning suites.

40. The Guam Department of Public Health and Social Services has developed a three-year strategic plan focusing on three priorities, which will help to guide the Department in augmenting its infrastructure and capacity to achieve its mission. The three priorities are workforce development, the modernization of information technology and support systems and the improvement of the organizational structure and processes.

VII. Environment

41. The Guam Environmental Protection Agency comprises five divisions: the Administrative Services Division, the Environmental Monitoring and Analytical Services Division, the Environmental Planning and Review Division, the Air and Land Programs Division and the Water Programs Division. Guam continues to experience environmental problems related to the United States occupation during the Second World War and the atomic testing conducted by the administering Power in the Marshall Islands in the 1950s. Additional details can be found in previous working papers. To date, no official reports exist on the continuing high-level radiation spill from the Fukushima Daiichi nuclear power station into the Pacific Ocean.

42. As detailed in its 2011 comprehensive economic development strategy, the Guam Environmental Protection Agency implements various programmes for regularly monitoring the status of the environment. The regulations of the United States Environmental Protection Agency apply to Guam, but in some cases the Territory's own laws are more stringent than those of the United States. Guam is a relatively small and high-density island; its marine environment therefore constitutes a key litmus test with regard to the overall environmental impact of human activity. The quality of the marine waters has generally been found to be excellent across all indicators. Soil erosion, which is associated with construction activity or natural erosion, is another area of special concern in southern Guam, given that sedimentation has resulted in the destruction of coral reefs in areas adjacent to the mouths of rivers.

43. Solid-waste landfills are another area of concern in Guam, given the limited land area. Problems are being magnified as the standard of living changes and increases in population and industrial activity bring more goods and commodities to the island. In its 2013 report (see para. 26 above), the Government Accountability Office noted that the existing landfill on Guam was environmentally compliant, had adequate capacity to meet current solid waste disposal needs and had sufficient expansion capacity to meet future needs related to the realignment. According to the Government of Guam, however, the new landfill cannot be used for some types of waste, including construction and demolition waste. Consequently, meeting organic and realignment-related solid waste disposal needs will require the Government to

continue to develop systems to handle waste that cannot be disposed of in the landfill and construct and open new solid waste disposal areas.

44. Some 33 per cent of the world's cyclones develop in the immediate area around Guam. In addition, according to the Global Assessment of Human-Induced Soil Degradation, the area of degraded soil in the Pacific is extensive. In Guam, major road construction on steep slopes has caused erosion, with the resulting sedimentation killing coral colonies on fringing reefs.

45. According to the United States Environmental Protection Agency, Guam faces significant environmental challenges: the Territory has fragile drinking water infrastructure; the island's wastewater treatment plants have been chronically out of compliance with federal rules and its own water quality standards; and the additional population expected on Guam over the next several years in connection with the military build-up (see section II above) has the potential to put additional strain on its infrastructure and environment.

46. According to the administering Power, the United States Department of the Interior awarded $450,000 to the Territory for various projects that support multisector collaboration and long-term planning, developed by the Guam Climate Change Task Force. The projects included conducting climate training workshops for planners and multisectoral resiliency workshops; conducting a comprehensive vulnerability analysis of built environments at coastal bays; creating a pilot climate geographic information system; and updating storm water management plans and implementation.

47. According to the administering Power, pursuant to the National Environmental Policy Act of 1969, the United States Department of Defense examined the environmental effects of its proposed actions. On 29 August 2015, the United States Department of the Navy released its record of decision (see para. 13 above), the final step in the process relating to the supplemental environmental impact statement, in which it called for a smaller realignment than in the original plan from 2010 and outlined the decisions to be made in order to implement the realignment actions proposed and the mitigation measures specified. In 2017, the United States Fish and Wildlife Service issued a re-initiation of the biological opinion of 2015, outlining the conservation measures to be taken in order to avoid or minimize the impacts of the project, specifically to contribute to the recovery of listed species and to minimize the effects of construction, invasive species, fire and training.

VIII. Relations with international organizations and partners

48. Guam has been an associate member of the Economic and Social Commission for Asia and the Pacific since 24 July 1981. The Territory is a member of the Pacific Community, the Micronesian Chief Executives Summit, the Pacific Basin Development Council, the Pacific Islands Development Programme, the Pacific Asia Travel Association and the South Pacific Regional Environment Programme. It also participates in the Pacific Community Coastal Fisheries Programme. Guam has observer status in the Alliance of Small Island States. In 2011, Guam was granted observer status in the Pacific Islands Forum.

IX. Future status of the Territory

A. Position of the territorial Government

49. Developments regarding discussions on the future status of Guam are considered in section I above.

B. Position of the administering Power

50. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States. He indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came within the purview of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. He also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and had no mandate to engage the United States in negotiations on their status. He further noted that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions in Non-Self-Governing Territories, the federal Government submitted annual updates on United States Territories to the Special Committee as a demonstration of United States cooperation as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

51. According to the administering Power, on 23 February 2016, the Assistant Secretary for Insular Areas of the United States Department of the Interior hosted a panel discussion in Washington, D.C., on self-determination in American Samoa, Guam and the United States Virgin Islands. The panel included territorial experts and officials from the United States Department of the Interior and Department of State, and the discussion provided an updated context for federal policymakers and for a new generation to learn about the status of self-determination in the respective territories and to understand their rights with regard to self-determination under federal and international law. The panel experts reaffirmed the position of the administering Power that, under the United States Constitution, only the United States Congress had the plenary power to dispose of and make needful rules and regulations in respect of the Territories. It was also reiterated that the administering Power supported the right of self-determination of the respective peoples of American Samoa, Guam and the United States Virgin Islands, and, according to the policy of the administering Power, those Territories had at least three distinct options for exercising self-determination: continued territorial status, statehood or independence. In addition, in conjunction with the meeting of the National Governors Association held in Washington, D.C., each February, the Deputy Assistant to the President for Intergovernmental Affairs and the Assistant Secretary of the Interior for Insular Areas host the plenary session of the Interagency Group on Insular Areas, which brings together the Governor of Guam and his counterparts from American Samoa and the United States Virgin Islands, with leading officials of the federal executive branch, to discuss matters of mutual importance to the Territories.

X. Consideration by the United Nations

A. Special Political and Decolonization Committee (Fourth Committee)

52. Speaking at the 3rd meeting of the Special Political and Decolonization Committee (Fourth Committee), on 3 October 2017, the Governor of Guam said that the Territory experienced a number of difficulties on account of its territorial status. For example, unfunded mandates like the earned income tax credit and the Compact of Free Association had left the island in debt. Once the United States Government had returned native lands, Guam had passed the Chamorro Land Trust Act to give Chamorro descendants of original inhabitants the opportunity to lease property for a nominal sum. In October 2017, however, the United States Department of Justice had filed a lawsuit, arguing that giving back land to its rightful Chamorro owners violated the Fair Housing Act, a law designed to protect United States citizens from discrimination in public housing. Guam was once again at an impasse on the road to self-determination. As the Chairman of the Commission on Decolonization of Guam, the Governor had made decolonization a major government priority for the first time in many years. It was hoped that schools would soon include decolonization in their curricula so that pupils in Guam could learn about their right to self-determination. He had recently written to the Special Committee to invite a visiting mission to the island for the first time since 1979. A visiting mission would shed new light on the island's pursuit of self-determination in the face of new challenges with regard to decolonization and self-governance. The quest for decolonization was not based on any hatred of the United States, nor was it due to a lack of patriotism. The people of Guam were United States citizens, and yet they did not enjoy some of the rights that other citizens did, such as the right to vote for the president. Guam had a lengthy history of inequality and arbitrary legislation against its native population. Whatever course the self-determination of Guam might take — relaxing its association with the United States, becoming the fifty-first state or pursuing independence — the people of Guam were currently a part of the United States.

53. At its 3rd and 4th meetings, on 3 and 4 October 2017, the Fourth Committee heard petitioners on the question of Guam (see A/C.4/72/SR.3 and A/C.4/72/SR.4).

54. At the 27th meeting, on 8 November 2017, the representative of Cuba, on behalf of Cuba, Indonesia, Sierra Leone, the Syrian Arab Republic and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Question of Guam" (A/C.4/72/L.16). At the same meeting, the Committee adopted the draft resolution by a recorded vote of 80 to 9, with 62 abstentions. The United States voted against the draft resolution; the representative stated that it contained language that appeared to be a political attack.

B. Action taken by the General Assembly

55. On 7 December 2017, the General Assembly adopted without a vote resolution 72/102 on the basis of the report of the Special Committee transmitted to the Assembly (A/72/23) and its subsequent consideration by the Fourth Committee. In the resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of Guam to self-determination, in conformity with the Charter and with General Assembly resolution

1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of the decolonization of Guam, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of Guam to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Welcomed the convening of the Guam Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination and its ongoing work on a self-determination vote, as well as its public education efforts;

(e) Stressed that the decolonization process in Guam should be compatible with the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

(f) Called once again upon the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro self-determination efforts, encouraged the administering Power and the territorial Government to enter into negotiations on the matter and stressed the need for continued close monitoring of the overall situation in the Territory;

(g) Requested the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory, to continue to recognize and to respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

(h) Also requested the administering Power to assist the Territory by facilitating public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard welcomed the financial assistance granted by the administering Power in support of the decolonization educational campaign, called upon the relevant United Nations organizations to provide assistance to the Territory, if requested, and welcomed the recent outreach work by the territorial Government;

(i) Further requested the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the Chamorro people in the development of Guam;

(j) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of Guam and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between Guam and the administering Power;

(k) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in Guam, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(l) Also called upon the administering Power to facilitate a visiting mission to the Territory, and requested the Chair of the Special Committee to take all the steps necessary to that end;

(m) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(n) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interests of the people of the Territory;

(o) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation and the impact of militarization on the environment, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(p) Requested the Secretary-General to report on the environmental impact of the military activities of the administering Power in the Territory;

(q) Requested the Special Committee to continue to examine the question of Guam and to report thereon to the General Assembly at its seventy-third session and on the implementation of the resolution.

Annex

Map of Guam